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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

PORLAND DIVISION

Monica Klein,  
*Plaintiff,*

v.

Marian Cannell, Shelter Operations  
Manager for Multnomah County, in  
her individual capacity; and  
Multnomah County, a municipal  
corporation of the State of Oregon,  
*Defendants.*

Case No.: 3:24-cv-00229-AN

STIPULATED MOTION TO REMAND

MOTION

Pursuant to 28 U.S.C. § 1447(c), Monica Klein (“Plaintiff”) moves the Court for  
an Order remanding this action back to Multnomah County Circuit Court. Remand is  
proper because this matter no longer presents any question of United States Law.

The motion has been agreed to by Ashley Bannon Moore, counsel for Marian Cannell and Multnomah County (“Defendants”) and is supported by the following Memorandum of Points and Authorities and the Court Record, incorporated by reference.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

On January 3, 2024, Plaintiff, filed a Complaint in this civil action against Defendants Marian Cannell and Multnomah County, in Multnomah County Circuit Court, Case No. 24CV00293. Defendants timely removed the Action to this Court on February 2, 2024 based on this Court's original and supplemental jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337. ECF 1.

On January 29, 2024, Plaintiff filed her First Amended Complaint, which alleges only causes of action under Oregon law. ECF 7.

A court may decline or retain exercise supplemental jurisdiction in its discretion where it “has dismissed all claims over which it has original jurisdiction.” 28 U.S.C. §1337(c)(3). In exercising that discretion, a court should consider “economy, convenience, fairness, and comity.” *Acri v. Varian Assocs.*, [114 F.3d 999, 1001](#) (9th Cir. 1997). “When the balance of these factors indicates that a case properly belongs in state court, as when the federal-law claims have dropped out of the lawsuit in its early stages and only state-law claims remain, the federal court should decline the exercise of jurisdiction by dismissing the case without prejudice.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988).

The matter at bar is in the very early stages: the pleadings have not been answered, the Court has decided no substantive motions, the parties have conducted no discovery. Only state-law claims remain. Defendants do not object to a remand. The factors weigh in favor of remand.

Based on the foregoing, Plaintiff respectfully urges the court to decline to exercise supplemental jurisdiction over this state-law matter and remand this action to Multnomah County Circuit Court, without fees or costs to either party.

Respectfully Submitted,

DATED: March 4, 2024.

/s/ Alan Lloyd Kessler

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So stipulated,

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

/s/ Ashley Bannon Moore  
Ashley Bannon Moore, OSB No. 113219  
Senior Assistant County Attorney  
*Of Attorneys for Defendants*